

1  
2  
3  
4

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

8 KEVIN BROOKS, )  
9 Petitioner, ) 3:11-cv-0162-ECR-VPC  
10 vs. )  
11 )  
12 E.K. McDANIEL, *et al.*, )  
13 Respondents. ) /

14 Kevin Brooks has submitted a motion to proceed in *forma pauperis* (ECF No. 1), but  
15 presents no petition or complaint upon which the action may proceed. The application includes a  
16 brief missive directing the Clerk to file the motion with the “Motion For Relief From Judgment” in a  
17 case entitled Brooks v. McDaniel, which was mailed on February 27, 2011. The letter does not  
18 provide a case number by which the Clerk may identify the case to which Brooks refers. Moreover,  
19 the Court notices that there are at least seven cases that have been filed in this Court between 1997  
20 and this date with the exact appellation referred to by Brooks: Brooks v. McDaniel.<sup>1</sup> It is the  
21 proponent’s obligation to ensure that his pleadings are properly identified and filed in the proper  
22 action.

Based on the foregoing, this motion (ECF No. 1) shall be **denied** and the Clerk shall

<sup>1</sup> A simple search of the Court's docket reveals these case numbers with Brooks and McDaniels as named parties: 3:97-cv-00457; 3:02-cv-00236; 3:04-cv-00294; 3:05-cv-0054; 3:06-cv-00236; 3:07-cv-00394.

1 be directed to return the application for leave to proceed in *forma pauperis* to petitioner along with a  
2 copy of this Order. This action is dismissed. **IT IS SO ORDERED.**

3

4 Dated, this 7th day of March 2011.

5   
6  
7

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

UNITED STATES DISTRICT JUDGE